



Governor's Office of Homeland Security

FY 2005 Transit Security Grant Program

Program Guidelines and Application Kit

California Supplement

June 25, 2006

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Overview

California Supplement

This **California Supplement** to the FY 2005 Transit Security Grant Program (TSGP), Federal Program Guidelines and Application Kit is intended to complement, rather than replace, the Guidelines published by the United States Department of Homeland Security (DHS). The supplement includes additional California policies and requirements applicable to FY 2005 TSGP program.

Federal Program

The FY 2005 United States Department of Homeland Security (DHS) Appropriations Act provides funds for a discretionary grant program to address security and preparedness enhancements for transit systems, as well as freight and inter-city passenger rail. The FY 2005 Transit Security Grant Program (TSGP) addresses the transit system portion of this only. Funding for freight and inter-city passenger rail security projects is being provided through separate programs.

The Act also includes funds for a competitive ferry system grant program. Because of the close linkage between ferry systems and other transit modalities in many of our Nation's urban areas, the Department has chosen to make a portion of these funds available through the FY 2005 TSGP to support similar security enhancements for these systems, and to ensure their inclusion in regional security planning efforts.

**FY 2005 Transit Security Grant Program
Federal Program Guidelines and Application Kit**
<http://www.ojp.usdoj.gov/odp/docs/fy2005tsgp.pdf>

State Program

The Governor has designated the Office of Homeland Security (OHS) as the State Administrative Agency (SAA) to apply for and administer the TSGP funds for California. Additionally, the SAA is responsible for working with the identified ferry systems to submit projects for funding consideration as part of the competitive portion of the application.

The FY 2005 TSGP provides financial assistance to eligible transit agencies through the SAA for protection of critical infrastructure and emergency preparedness activities. Allowable costs comport with the FY 2005 Homeland Security Grant Program (HSGP), and the expenditure of FY 2005 TSGP funding must directly support each transit agency's risk-based Security and Emergency Preparedness Plan (SEPP) and a Regional Transit Security Strategy (RTSS). Funds are allocated on a regional basis and distribution must be based on a consensus among the eligible transit systems and the SAA.

**FY 2005 Homeland Security Grant Program
Federal Program Guidelines and Application Kit**
<http://www.ojp.usdoj.gov/odp/docs/fy05hsgp.pdf>

Eligible Transit Systems

Rail

Urban Area	Regional Allocation	Eligible System
Los Angeles Santa Ana	\$4,800,000	Southern CA Regional Rail
		LA County Metro Transportation Authority
Oakland San Francisco San Jose	\$7,075,000	SF Bay Area Rapid Transit District
		Altamont Commuter Express Authority
		Santa Clara Valley Trans Authority
		San Francisco Municipal Railway
Sacramento	\$625,000	Sacramento Regional Transit District
San Diego	\$2,100,000	North San Diego County Transit District
		San Diego Trolley
Total	\$14,600,000	

Intra-City Bus

Urban Area	Regional Allocation	Eligible System
Los Angeles Santa Ana	\$2,175,000	Orange Co. Transit Authority
		LA County Metro Transportation Authority
Oakland San Francisco San Jose	\$2,025,000	Alameda-Contra Costa Transit Dist
		San Francisco Municipal Railway
San Diego	\$550,000	North San Diego County Transit District
Total	\$4,750,000	

Ferry

Urban Area	Award (Competitive)	Eligible System
San Francisco	\$442,000	San Francisco Bridge, Highway and Transportation District
Total	\$442,000	

Dates and Deadlines

FY 2005 Transit Security Grant Program Release	April 11, 2005
TSGP Video Teleconferences – Western Region	April 14, 2006
State Administrative Agency (SAA) application submittal	May 6, 2005
Award to State Administrative Agency (SAA)	July 15, 2005
Submittal of Required Documents	Prior to release of funds
Subgrantee Notification of Award	Various – See Award Letter
Grant Expiration Date	December 31, 2007

Federal Application Process

Application Submission

The Governor's Office of Homeland Security as the State Administrative Agency (SAA) is responsible the submission of the federal application for FY 05 Transit Security Grant Program (TSGP) via the US Department of Justice, Office of Justice Programs, Grant Management System (GMS) for all eligible systems in California.

**US Department of Justice
Office of Justice Programs
Grant Management System**
<https://grants.ojp.usdoj.gov/gmsexternal/login.jsp>

Regional Transit Security Working Group (RTSWG)

A component of the federal application requires that eligible transit systems, representatives of the Urban Area Working Groups (UAWG) and the State Administrative Agency (SAA) participate in Regional Transit Security Working Groups (RTSWG) for the purpose of developing a Regional Transit Security Strategies (RTSS).

Note: Release of funding is contingent upon the completion, submission and approval by ODP of the RTSS.

Required Submittals from Transit Systems

As part of the application process, the following documents must be submitted to the Governor's Office of Homeland Security (OHS) by each eligible transit system. OHS will upload the documents into the Office for Domestic Preparedness (ODP) Secure Portal – Transit Security Grant Program (TSGP) compartment.

**US Department of Homeland Security
Office for Domestic Preparedness
Secure Portal**
<https://odp.esportals.com/index.cfm>

1.) Program Narrative

- Point of Contact (POC)
- Operating System
 - o infrastructure
 - o ridership
 - o track miles
 - o # of vehicles or vessels
 - o types of service

- other important features
- system maps
- geographic boundaries
 - transit system
 - cities and counties served
- other sources of funding being leveraged for security enhancements
- Current prevention, detection and response capabilities relative to;
 - improvised explosive devices (IED)
 - Chemical, Biological, Radiological and Nuclear devices – sensors, canine units, etc.

2.) Transit Risk Assessment (TRA)

As outlined in “The Public Transportation System Security and Emergency Preparedness Planning Guide”, published by the US Department of Transportation’s, Federal Transit Administration (FTA).

US Department of Transportation Federal Transit Administration (FTA)

<http://www.fta.dot.gov/>

For purposes of this grant, rail and intra-city bus systems may use the Security Readiness Assessment conducted by the Federal Transit Administration (FTA). These agencies may also use the risk assessments that were completed during the previous round of Urban Area Security Initiative (UASI) Transit Grants or the risk assessment completed as part of the ODP Mass transit Technical Assistance Program.

Ferry Systems carrying more than 150 passengers on domestic voyages or more than 12 passengers on international voyages, and the terminals that serve them have already been required to conduct security assessments in accordance with the Maritime Transportation Security Act of 2002 (MTSA), and may use these to satisfy the requirements of this program.

3.) Security and Emergency Preparedness Plan (SEPP)

Each transit system must have a current (updated within the past year), comprehensive plan that includes the requirements outlined in The Public Transportation System Security and Emergency Preparedness Planning Guide, published by the FTA.

The Security and Emergency Preparedness Plan (SEPP) should provide written policies and procedures to guide the transit system’s activities for homeland security and emergency preparedness. The SEPP should also specifically identify how the transit agency intends to address any shortfalls in IED and other prevention, detection and response capabilities identified as part of the risk assessment. The SEPP, along with the Regional Transit Security Strategy (RTSS) described below, must serve as the basis for proposed allocations of grant funding.

4.) Regional Transit Security Strategy (RTSS)

A key element of the FY 2005 TSGP is the requirement that transit agencies receiving funds through the program work with the states, urban areas and other transit systems in their defined region to

develop an RTSS. As the owners and/or operators of infrastructure that is vital to the well being of the states and urban areas they serve, it is imperative that transit systems be incorporated into regional preparedness planning efforts. The RTSS should serve as the integration point between the individual, risk-based SEPPs, and the overall security goals and objectives of the region. Therefore, the RTSS must demonstrate a clear linkage to the applicable state and urban area homeland security strategies developed or currently being developed. It is expected that the SEPPs and the RTSS will serve as the basis on which funding is allocated to address regional transit security priorities, and the vehicle through which transit agencies may justify and access other funding and resources available on a region-wide basis through the UASI program.

5.) Regional Transit Security Working Group – Consensus on Allocation of Funding

The program includes a requirement that transit systems selected for funding under the FY 2005 TSGP participate in a Regional Transit Security Working Group (RTSWG). The RTSWG must also include representation from the applicable state(s) and urban area(s) served by the transit systems receiving funds, and it is strongly recommended that other transit agencies whose systems intersect with those of the grant recipients also participate in the RTSWG process.

Note: This RTSWG must come to consensus as to the allocation of funding available to the transit systems within their region.

A copy of the required certification form is contained in Appendix C of the federal guidance. Once all applicable signatures have been obtained, this form must be faxed to ODP at: (202) 786-9930.

Note: Awards will be special conditioned to prohibit the draw down of funds until this certification is received.

6.) Competitive Ferry System Application

The FY 2005 US Department of Homeland Security (DHS) Appropriations Act requires that funding provided for Port Security be awarded through a **competitive process**. Therefore, as part of the FY 2005 TSGP, the SAA for each state containing an eligible ferry system may submit up to three candidate projects to ODP for funding consideration. ODP will coordinate a review of the projects through a panel of subject-matter experts that includes the U.S. Coast Guard.

Subgrantee Application Process

Subgrantee Applications

Eligible transit systems that are allocated funds by the Regional Transit Security Working Group (RTSWG) must submit a subgrantee application package to the Governor's Office of Homeland Security (OHS). Application materials may be found at the Governor's Office of Homeland Security (OHS) website.

**Governor's Office of Homeland Security
Grants Management Section**
<http://www.homeland.ca.gov/grants.html>

1.) What is required in the subgrantee application package?

The subgrantee application package must include the following;

- Application Cover Sheet
- Regional Transit Security Working Group – Member Information
- Equipment Inventory-Ledger, from OHS Financial Management Forms Workbook
- Governing Body Resolution \ Certification – Authorized Agent
- Grant Assurances
- Project description(s)

Note: The necessary forms may be found in Appendix A.

2.) Who may sign the Application?

The application cover sheet must be signed by the Authorized Agent for the transit agency.

3.) Are there any special conditions?

All expenditures of FY 2005 Transit Security Grant Program (TSGP) funds must directly support each transit agency's risk-based Security and Emergency Preparedness Plan (SEPP) and the Regional Transit Security Strategy. The SEPP must specifically identify how the transit agency intends to address any shortfalls in IED and other prevention, detection and response capabilities. If SEPP has not been developed and implemented, funds will not be released.

Transit agencies selected for funding MUST participate in a Regional Transit Security Working Group (RTSWG). The RTSWG will develop the Regional Transit Security Strategy (RTSS).

4.) Governing Body Resolution

The *Governing Body Resolution* appoints agents authorized to execute any actions necessary for each application and subgrant. All subgrantees are required to submit a *Governing Body Resolution* for the FY 05 Transit Security Grant Program (TSGP).

5.) Grant Assurances

The *Grant Assurances* form lists the requirements to which the subgrantees will be held accountable.

NOTE: Previous Assurances that referred to specific fiscal years or different grant names require the submission of a new Assurances form for the FY 05 Transit Security Grant Program (TSGP).

Program Requirements

1.) How will the Transit Agencies know if their Application has been approved?

OHS will review all transit projects and determine if they are eligible under the FY 2005 Transit Security Grant Program (TSGP). A written notice will be sent to each agency to inform them of the approval or denial of proposed projects.

2.) Subgrantee Reporting

Subgrantees are required to report on their FY 05 Transit Security Grant Program (TSGP) activities and accomplishments bi-annually via the US Department of Homeland Security (DHS), Office of Grants and Training (G&T), Grants Reporting Tool (GRT).

**US Department of Homeland Security
Office of Grants and Training
Grants Reporting Tool**
<https://www.reporting.odp.dhs.gov/>

In addition, a narrative report of grant funded activities must be submitted on the forms provided in Appendix B.

Note: Failure to submit performance reports could result in grant reduction, termination or suspension.

The due dates for biannual reporting are **July 30** for the period January 1 through June 30 and **January 31** for the period July 1 through December 31 of each year during the grant performance period.

3.) Training Workshops

The Governor's Office of Homeland Security (OHS) provides a series of workshops to assist in completing your biannual reports. These workshops are conducted around the State just prior to the reporting due dates.

OHS also provides training in grant management, fiscal management, conferences and working groups on a regular basis. To be informed of upcoming workshops and other training opportunities, please send your contact information, including email address to your OHS regional representative and ask to be placed on the email list. Contact information for your OHS regional representative can be found at the Governor's Office of Homeland Security (OHS) website.

**Governor's Office of Homeland Security
Grants Management Section**
<http://www.homeland.ca.gov/grants.html>

4.) California Public Records Act

The details of any application, modification, report, and payment request will be subject to the provisions of the California Public Records Act (Governmental Code Section 6250 et seq.). This means that all, or part, of the information provided to the state may be publicly disclosed. While the state will make every effort to protect sensitive information, it is imperative that information provided to the state does not contain information that constituent jurisdictions or agencies believe are confidential. The applicant's and subgrantee's failure to protect such information from disclosure may jeopardize the safety and security of the people of the State of California. For example, do not specifically identify potential targets, locations, and their vulnerabilities if this information is not already public knowledge. While bridges and shopping malls are well known targets, key distribution points of petroleum products and data storage facilities are not. Applicants and subgrantees should prepare and submit information to the state with the expectation that it may be made publicly available. If there are any questions about the inclusion of sensitive information in any information provided to the state, contact the Governor's Office of Homeland Security (OHS), Public Information Officer.

5.) Post Award Modifications

Post award budget, scope and time modifications must be requested in writing by the subgrantee's Authorized Agent, and submitted to the Governor's Office of Homeland Security (OHS). The subgrantee may implement the modifications, and incur associated expenses, after receiving state written approval of the modification.

NOTE: Failure to submit modification requests, and receive written approval prior to expenditure, could result in a reduction or disallowance of that part of the grant.

6.) Monitoring Subgrantee Performance

The state may perform periodic reviews of subgrantee performance of eligible activities and approved projects. These reviews may include, but are not limited to:

- Comparing actual subgrantee activities to those approved in the subgrant application and subsequent modifications, if any.
- Ensuring that advances have been disbursed in accordance with applicable guidelines.
- Confirming compliance with:
 - Grant Assurances.
 - Information provided on performance reports and payment requests.
 - Needs and threat assessments and strategies.
- Fiscal records and management

7.) Suspension or Termination

The state may suspend or terminate subgrant funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- Failing to comply with the requirements or statutory objectives of federal or state law.
- Failing to make satisfactory progress toward the goals or objectives set forth in the subgrant application.
- Failing to follow grant agreement requirements or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- Failing to submit required reports.
- Filing a false certification in the application or other report or document.
- Before taking action, the state will provide the subgrantee reasonable notice of intent to impose measures and will make efforts to resolve the problem informally.

8.) Closeout

The State will close a subgrantee award after:

- Receiving a subgrantee Performance Report indicating that all approved work has been completed, and all funds have been disbursed;
- Completing a review to confirm the accuracy of reported information; and,
- Reconciling actual costs to awards, modifications and payments.
- If the closeout review and reconciliation indicates that the subgrantee:
 - o is owed additional funds, the state will send the final payment automatically to the subgrantee.
 - o did not use all funds received, the state will issue an Invoice to recover unused funds.
- In the Grant Closeout letter, the state will notify the subgrantee of the start of the record retention period for all programmatic and financial grant related records.

NOTE: Failure to maintain all grant records for the required retention period could result in a reduction of eligible grant activities, and an invoice to return costs associated with the unsupported activities.

9.) Management and Administrative Costs

The subgrantee management and administrative (M&A) allowance is a maximum of **2.5%** of their subgrant on all FY 05 Transit Security Grant Program award.

10.) Advances and Interest Earned on Advances

The U.S. Department of Homeland Security allows subgrantees to request FY 2005 Transit Security Grant Program (TSGP) funds up to 120 days prior to expenditure/disbursement, or on a reimbursement basis. The federal guide requires that advances be deposited in interest-bearing accounts, and describes how interest earned should be returned to the federal government.

In addition to returning interest in accordance with the prescribed federal guidance, subgrantees must also inform the Office of Emergency Services, Accounting Section, of any interest returned on program funds.

11.) Reimbursement Request Process

To request advance or reimbursement payment of FY 05 Transit Security Grant Program (TSGP) funds, complete a payment request form and return it to the appropriate agency listed at the end of Chapter One. A payment request form will be sent to subgrantees with the written notice of application approval.

NOTE: Payments can only be made if the subgrantee has an approved application, valid Governing Body Resolution and valid Grant Assurance form.

12.) Authorized Equipment List and Equipment Purchase Assistance Program

The Authorized Equipment List (AEL) may now be found on the web at the National Memorial Institute for the Prevention of Terrorism (MIPT).

**National Memorial Institute
Responder Knowledge Base**

<http://www.rkb.mipt.org>

13.) US Department of Homeland Security (DHS) – Equipment Purchase Assistance Program (EPAP)

The US Department of Homeland Security's Equipment Purchase Assistance Program (EPAP) allows grantees access to the Defense Logistics Agency's (DLA) "prime vendors".

14.) Fisher Prime Vendor

California has established an on-line purchase process with Fisher Safety, a DLA prime vendor that will allow subgrantees access to the EPAP. Benefits of the program include shorter procurement lead time, online ordering and a diverse inventory of products. However, Fisher Safety may not carry all

items on the AEL and standard subgrantee procurement processes should be followed to obtain those items.

Note: Subgrantee participation in EPAP is voluntary and is only available for FY 05 Transit Security Grant Program equipment purchases.

Subgrantees must submit an Equipment Inventory- Ledger from the OHS Financial management Forms Workbook with their application package. The Worksheet is available on the governor's Office of Homeland Security website and indicates, by project and funding source, the value of equipment purchases to be made through Fisher Safety, or through the subgrantee's standard procurement processes. Subgrantee funds committed to Fisher Safety will be paid by the state, directly to DLA, upon Fisher Safety's notification that subgrantee ordered equipment has been shipped.

Note: Funds committed to Fisher Safety will not be available for subgrantees to request as either an advance or reimbursement payment.

**Governor's Office of Homeland Security
Grants Management Section**

<http://www.homeland.ca.gov/grants.html>

15.) Construction and Renovation

Use of FY 05 Transit Security Grant Program (TSGP) funds for construction and renovation is generally prohibited. Exceptions are detailed beginning on page 20 of the U.S. Department of Homeland Security (DHS) FY 05 Transit Security Grant Program (TSGP), Program Guidelines and Application Kit.

**FY 2005 Transit Security Grant Program
Federal Program Guidelines and Application Kit**

<http://www.ojp.usdoj.gov/odp/docs/fy2005tsgp.pdf>

NOTE: Written approval must be provided by DHS prior to the use of any HSGP 05 funds for construction or renovation. This includes the allowable exceptions noted in the federal Guidelines.

Appendix A

Subgrantee Application Forms

**FY05 Transit Security Grant Program
Application Cover Sheet for Transit Agencies**

Applicant _____

Authorized Agent Information:

Mailing Address

City, State, Zip Code

Contact Information:

Name/Title

Area Code/Office Telephone Number

E-Mail Address

Total Amount Requested \$ _____

Total Equipment Amount Requested (From Equipment -

Equipment – General \$ _____

Equipment – Fisher Prime Vendor \$ _____

Statement of Certification - Authorized Agent

By signing below, I hereby certify that I am the duly appointed Authorized Agent and have the authority to apply on behalf of the above transit agency for FY 2005 Transit Security Grant Program funds, and that the transit agency's application directly supports the agency's risk-based Security and Emergency Preparedness Plan (SEPP) and the Regional Transit Security Strategy (RTSS).

Signature of Authorized Agent

Printed Name

Title

Date

For State use ONLY

Application reviewed/Grant award approved by: _____

Name

Date

Grant Performance Period: _____

OES ID # _____ Award # _____

**FY05 Transit Security Grant Program
Regional Transit Authority Working Group (RTSWG)**

Applicant _____

All TSGP applicants must submit Regional Transit Security Working Group (RTSWG) member information as part of their application package. For each member of the RTSWG, please provide the following member information:

Name

Job Title

Transit System

Mailing Address

Office Phone Number

Cell Phone Number

Fax Number

E-Mail Address

**FY05 Transit Security Grant Program
Application Cover Sheet for Transit Agencies**

Applicant _____

Equipment Worksheet

Subgrantees must submit an Equipment Inventory-Ledger from the OHS Financial Management forms Workbook with their application package. The Equipment Inventory-Ledger can be obtained in an electronic version on the Governor's Office of Homeland Security (OHS), Grants Management Section website, or by contacting your OHS regional program representative.

**Governor's Office of Homeland Security
Grants Management Section**
<http://www.homeland.ca.gov/grants.html>

NOTE: Subgrantee funds committed to Fisher Safety will be paid by the state, directly to the Defense Logistics Agency, upon Fisher Safety's notification that subgrantee ordered equipment has been shipped. Consequently, the **funds committed to Fisher Safety will not be available for subgrantees to request as either an advance or reimbursement payment.**

Governing Body Resolution

BE IT RESOLVED BY THE _____
(Governing Body)

OF THE _____ *THAT*
(Name of Applicant)

_____, *OR*
(Name or Title of Authorized Agent)

_____, *OR*
(Name or Title of Authorized Agent)

_____,
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and subgranted through the State of California.

Passed and approved this _____ day of _____, 20_____

Certification

I, _____, duly appointed and
(Name)

_____ of the _____
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the _____ of the _____ on the
(Governing body) (Name of Applicant)

_____ day of _____, 20_____.

(Official Position)

(Signature)

(Date)

Instruction Sheet for the Governing Body Resolution

Purpose

The purpose of the Governing Body Resolution is to appoint individuals to act behalf of the governing body and the applicant.

Authorized Agent(s)

The Governing Body Resolution allows for the appointment of individuals or positions. For each person or position appointed by the governing body, submit the following information, with the resolution, to the state on the applicant's letterhead:

- | | |
|---|---|
| <input type="checkbox"/> Transit System | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Grant Program | <input type="checkbox"/> Fax # |
| <input type="checkbox"/> Name | <input type="checkbox"/> Cell Phone # |
| <input type="checkbox"/> Title | <input type="checkbox"/> E-Mail Address |
| <input type="checkbox"/> Address | |
| <input type="checkbox"/> City | |
| <input type="checkbox"/> Zip Code | |
-

Authorized Agent Changes

If the Governing Body Resolution identifies Authorized Agents by position and/or title, changes can be made by submitting new Authorized Agent information to the state.

If the Governing Body Resolution identifies Authorized Agents by name, a new Resolution is needed when any changes are made. The information list above must also be submitted with the new Resolution.

Office of Homeland Security

Grant Assurances

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (_____) _____

Fax Number: (_____) _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Agrees to comply with financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. Agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
3. Understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OPD.
4. Agrees that federal funds under this award will be used to supplement but not supplant recipient or sub-recipient funds.
5. Further agrees to comply with the standards put forth in Office of Management and Budget Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments.
6. Agrees that all allocations and use of funds under this grant will be in accordance with the Fiscal Year 2005 Transit Security Grant Program Guidelines and Application Kit and must support the goals and objectives in each agency's Security and Emergency Preparedness Plan (SEPP) and the approved Regional Transit Security Strategy (RTSS).
7. The recipient may obligate, expend, or draw down no more than 5% of the total regional allocation available to eligible rail and intra-city bus transit systems until DHS/SLGCP has received the documents listed in a., b., and c., below; has received, reviewed, and approved the Regional Transit Security Strategy listed in d. below; and has issued a Grant Adjustment Notice removing this special condition.

- a. All of the Applicable Transit System Risk Assessments
 - b. All of the Applicable Security and Emergency Preparedness Plans
 - c. The Certification Regarding Regional consensus on Funding Allocations
 - d. The Regional Transit Security Strategy
8. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to:
- a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps;
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - g. §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
 - j. Title 28, CFR, Part 35;
 - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
 - l. The requirements on any other nondiscrimination statute(s) which may apply to the application.
9. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of federal participation in purchases.
10. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following:
- a. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - b. notification of violating facilities pursuant to EO 11738;
 - c. protection of wetlands pursuant to EO 11990;
 - d. evaluation of flood hazards in floodplains in accordance with EO 11988;

- e. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - f. conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
 - g. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - h. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).
 14. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
 15. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the applicant's application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by the federal or state government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
 - c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per federal fiscal year.
 16. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
 17. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
 18. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
 19. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of

assistance.

20. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
21. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub-agreements.
22. Is not itself, and will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."
23. Agrees that:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
 - b. If any other funds than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a Member of Congress in connection with the federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
 - c. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall certify and disclose accordingly.
 - d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
24. Agrees that equipment acquired or obtained with grant funds:
 - a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant.
 - b. Is consistent with needs as identified in the Terrorism Annex to the State's Emergency Plan, and will be deployed in conformance with that plan.
 - c. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use

of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.

25. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.
26. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-87 and A-133, E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements contained in Title 28, Code of Federal Regulations, Part 66, that govern the application, acceptance and use of Federal funds for this federally-assisted project.
27. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, orders, circulars, or regulations.
28. Will comply with provisions of 28 CFR applicable to grants and cooperative agreements, including Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
29. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
30. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
31. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds or race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
32. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
33. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
34. Will comply, if applicable, with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

35. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

36. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent:_____

Printed Name of Authorized Agent:_____

Title:_____ Date:_____

Appendix B

Subgrantee Reporting Forms

**FY05 Transit Security Grant Program
Biannual – Narrative Report**

Subgrantee: _____

Reporting Period:

___ **January 1, 20__ to June 30, 20__**

___ **July 1, 20__ to December 31, 20__**

Authorized Agent Information:

Contact Information:

Mailing Address

Name/Title

City, State, Zip Code

Area Code/Office Telephone Number

Narrative description of subgrant activity for the period identified above:

(Use additional pages if necessary and attach to cover sheet)

Statement of Certification - Authorized Agent

By signing below, I hereby certify that I am the duly appointed Authorized Agent and have the authority act on behalf of the above transit agency for FY 2005 Transit Security Grant Program funds.

Signature of Authorized Agent

Printed Name

Title

Date

For State use ONLY

Application reviewed/Grant award approved by: _____

Name

Date

Grant Performance Period: _____

OES ID # _____ Award # _____

Narrative Report Continued:

Subgrantee: _____

Reporting Period:

___ January 1, 20___ to June 30, 20 ___

___ July 1, 20___ to December 31, 20___

Appendix B

Request for Reimbursement \ Advance Form

**FY 05 Homeland Security Grant Program
Reimbursement / Advance Request for Grant Expenditures**

Subgrantee Name:

Award #: 2005-0002 Transit Security Grant Program

OES ID #:

Mail Reimbursement Request to:

☐

Advance

☐

Reimbursement

Expenditure Period: From _____

To _____

Governor's Office of Homeland Security

OHS Grant Payment Section

State Capitol

Sacramento, CA 95814

☐

Please mark this box to indicate a change in
the Authorized Agent Mailing Address below

Project #	Solution	Cumulative Expenditures

Under penalty of perjury, I certify that:

I am the duly authorized officer of the claimant herein

This claim is in all respects true, correct, and all expenditures were made in accordance with
applicable laws, rules, regulations, grant conditions, and assurances

Authorized Agent (Per Governing Body Resolution)

Printed Name

Phone No.

Title

E-Mail Address

Mailing Address

Fax No.

City, State, Zip Code

Signature

Date